

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WINDWARD BORA LLC,

Plaintiff,

**MEMORANDUM & ORDER**  
23-cv-3654 (EK) (LGD)

-against-

JUNIA MONTOUR; NORTH AMERICAN  
PARTNERS IN ANESTHESIA; CAPITAL ONE  
BANK USA, NA; "JOHN DOE" AND "JANE  
DOE", last two said names being  
fictitious, said parties intended  
being tenants or occupants, if any,  
having or claiming an interest in, or  
lien upon, the premises described in  
the complaint,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Dunst's Report and Recommendation (R&R) dated August 30, 2024. ECF No. 23. Judge Dunst recommends that I grant the pending Motion for Default Judgment, attorney's fees of \$222,858.02, and costs amounting to \$14,629.72. Judge Dunst also recommends that the Court appoint a referee to effectuate the sale of the mortgaged property through a public auction. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews the recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note

to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. Thus, the Motion for Default is granted and attorney's fees and costs are awarded. By October 3, 2024, plaintiff shall propose a referee to auction the mortgaged property. *Windward Bora LLC v. Durkovic as Tr. of McQueen Fam. Tr.*, No. 22-CV-411, 2024 WL 3455841, at \*9 (E.D.N.Y. July 18, 2024). The Clerk of Court is respectfully directed to enter default judgment against defendants.

SO ORDERED.

/s/ Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: September 19, 2024  
Brooklyn, New York